

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN P. CHAVEZ,

Plaintiff,

-against-

DHS CHAIN/COMMAND,

Defendant.

21-CV-7259 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Juan Chavez, who is proceeding *pro se*, filed this action naming “Homeless People” as the plaintiff and “DHS Chain/Command” as the defendant in the caption of the complaint. (ECF 2.) Plaintiff attached a document to the complaint that included his name. (*Id.* at 3.) He did not sign the complaint. Plaintiff also submitted an application to proceed *in forma pauperis* (“IFP”) with a missing second page and identifying the plaintiffs as “Chavez; Totenberg; Grant” and the defendants as “City of NY; DOES, et al.” (ECF 1.) He signs the incomplete IFP application with the names “Chavez Totenberg.” By order dated September 21, 2021, the Court construed Plaintiff’s submission as a motion to proceed under a pseudonym and denied the motion. The Court directed Plaintiff, within thirty days, to file an amended complaint with his real name, signature, and address, and to either pay the \$402.00 in filing fees or submit an amended IFP application with his real name, signature, and address. (ECF 4.) That order specified that failure to comply would result in dismissal of the complaint.

Plaintiff has not submitted an amended complaint, paid the filing fees, or filed an amended IFP application. Accordingly, the complaint is dismissed without prejudice for Plaintiff’s failure to comply with the September 21, 2021 order.¹ *See* 28 U.S.C. §§ 1914, 1915.

¹ On November 3, 2021, the Court warned Plaintiff that further frivolous or nonmeritorious litigation in this Court will result in an order under 28 U.S.C. § 1651 barring him from filing any

CONCLUSION

The Court dismisses the complaint without prejudice for Plaintiff's failure to comply with the Court's September 21, 2021 order. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: November 4, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

new actions IFP without prior permission. *See Natural-Unido v. Broad. Corp. Does*, ECF 1:21-CV-5586, 7 (S.D.N.Y. Nov. 3, 2021). That order was issued because of Plaintiff's history of filing vexatious litigation in this and other courts. Plaintiff filed this action before the Court issued its November 3, 2021 order, but this action is not a departure from his pattern of nonmeritorious or vexatious litigation.